

Senate Study Bill 1236 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

- 1 An Act relating to medical malpractice actions.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.139, Code 2013, is amended to read
2 as follows:

3 **147.139 Expert witness testimony — standards.**

4 1. If the standard of care given by a physician and surgeon
5 or an osteopathic physician and surgeon licensed pursuant
6 to chapter 148, or a dentist licensed pursuant to chapter
7 153, is at issue, the court shall only allow a person to
8 qualify as an expert witness and to testify on the issue of
9 the appropriate standard of care if the person's medical or
10 dental qualifications relate directly to the medical problem
11 or problems at issue and the type of treatment administered in
12 the case.

13 2. No more than two expert witnesses for each element of a
14 cause of action described in subsection 1 may be designated by
15 the parties unless the parties agree to additional experts or
16 the court orders additional experts for good cause shown.

17 **Sec. 2. NEW SECTION. 611.24 Medical malpractice actions.**

18 A district court shall try any action founded on injuries
19 to the person or wrongful death against any physician and
20 surgeon, osteopathic physician and surgeon, dentist, podiatric
21 physician, optometrist, pharmacist, chiropractor, physician
22 assistant, or nurse, licensed under chapter 147, or a hospital
23 licensed under chapter 135B, arising out of patient care,
24 within two years from the date the action is commenced unless
25 the parties agree to a later trial date or the court finds for
26 good cause shown, not ex parte, that an extension is necessary
27 and appropriate.

28 **Sec. 3. HEALTH COURT PILOT PROJECT.** The judicial branch
29 shall establish and administer a health court pilot project,
30 subject to available funding, in at least one judicial
31 district. The health court pilot project shall provide for the
32 appointment of one or more district judges with demonstrated
33 experience or expertise in medical malpractice litigation who
34 shall preside over all medical malpractice cases within the
35 judicial district. Each judge appointed to the health court

1 shall have a court reporter assigned to the judge who has
2 experience or expertise in medical malpractice cases. The
3 judicial branch and the pilot project judicial districts shall
4 report to the general assembly on the operation of the projects
5 annually by December 15.

6 Sec. 4. DEPARTMENT OF PUBLIC HEALTH TASK FORCE —
7 UNNECESSARY MEDICAL PROCEDURES. The department of public
8 health shall convene a task force of stakeholders, subject
9 to available funding, to consider and offer recommendations
10 to assess the extent to which medical professionals in Iowa
11 perform unnecessary medical procedures. Stakeholders shall
12 include experts in law, medicine, health, and health financing
13 including but not limited to representatives from the Iowa
14 state bar association, Iowa association for justice, Iowa
15 medical society, Iowa hospital association, department of
16 human services, insurance commissioner, and federation of Iowa
17 insurers. The task force shall submit a report containing
18 recommendations to the general assembly by December 2, 2013.

19 EXPLANATION

20 This bill relates to medical malpractice actions.

21 EXPERT WITNESSES. The bill provides that no more than two
22 expert witnesses for each element of a medical malpractice
23 cause of action involving physicians or dentists may be
24 designated by the parties unless the parties agree to
25 additional experts or the court orders additional experts for
26 good cause shown.

27 MEDICAL MALPRACTICE ACTIONS — RESOLUTION. The bill
28 provides that a district court shall try any action founded on
29 injuries to the person or wrongful death against any physician
30 and surgeon, osteopathic physician and surgeon, dentist,
31 podiatric physician, optometrist, pharmacist, chiropractor,
32 physician assistant, or nurse licensed under Code chapter 147
33 or a hospital licensed under Code chapter 135B, arising out
34 of patient care, within two years from the date the action is
35 commenced unless the parties agree to a later trial date or

1 the court finds for good cause shown, not ex parte, that an
2 extension is necessary and appropriate.

3 HEALTH COURT PILOT PROJECT. The bill requires the judicial
4 branch to establish and administer a health court pilot
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16 DEPARTMENT OF PUBLIC HEALTH TASK FORCE — UNNECESSARY
17 MEDICAL PROCEDURES. The bill requires the department of
18 public health to convene a task force of stakeholders, subject
19 to available funding, to consider and offer recommendations
20 to assess the extent to which medical professionals in Iowa
21 perform unnecessary medical procedures. Stakeholders shall
22 include experts in law, medicine, health, and health financing
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25 medical society, Iowa hospital association, department of
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